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# RES GESTAE

OCTOBER 20, 1966  
Vol. 20, No. 8  
Ann Arbor, Michigan

The Weekly Newspaper of the U-M Lawyers Club

## FIRST WEEK UNDER THE NEW GRASS RULE

The Board of Directors' latest move in its fight to preserve the \$7,000 Law Quad lawn--the passage of a resolution imposing fines upon "anyone using the Quad lawn as a 'pathway or playfield'"--appears not only to have resulted in some long overdue observance of the "Grass Rule," but has also stirred resident criticisms aplenty.

A sampling of comments has made it apparent that exposure to the Board's reasons for passing the resolution might elicit a greater degree of approval for it. We therefore spoke with Board member Bob Flaherty and asked him to respond to solicited criticisms.

"I think the Board of Directors has forgotten that it is a representative body," remarked one disgruntled Lawyers Club resident. "I don't see how the Board could take it upon itself to assume that a majority of the Club members favored the "Grass Rule" in the first place. We should have been given some voice in the decision."

Flaherty first noted that, two years ago, the members of the Law Club voted to have the Quad renovated, knowing full well that the cost would approach \$10,000. "It just wouldn't make sense to have another referendum now," he explained. "The collective voice of the Club stated that it wanted to improve the appearance of the Quad. We certainly can't turn around two years later, decide that the expenditure was for naught, and start tearing up the grass again!"

Another resident complained that the fine rule "treats us like a bunch of high school students." "We've tried other methods for seven weeks and have been virtually ignored," countered Flaherty. "Those same people who resent being treated like children are the ones we chased off the grass time and time again. We voted the fine down three different times earlier in the semester, but weren't getting any response. This was the only alternative."

It has also been suggested that the fines are discriminatory. "Non-Law School people can tramp across the grass with impunity while we have to pay ten bucks a crack," complained one resident. "Some lawyers can get away scot-free if the Board members don't know who they are," opined another.

"This argument is ridiculous," answered Flaherty. "In the first place non-Quad residents walk on the grass about ten times a week at most, and in the second some people avoid enforcement of any fine. The speeder who can outrun the police is an example."

Finally, it has been said that the fines are too steep--two dollars for the first offense and ten for each thereafter. "Students just can't afford to pay a fine of that magnitude," it has been claimed.

"These people forget that the purpose of the fine is to keep people off the grass. We're not after revenue--we want to preserve the grass and have to make the fine steep enough to make people remember. We debated the possibility of having a warning for the first offense, but figured that we had been warning people long enough," Flaherty remarked.

"We have a valuable asset here in the Quad," Flaherty concluded. "The alumni and all other visitors who come to Ann Arbor think of this as kind of a showplace, and we, as members of the Board of Directors, feel a responsibility toward the Law School to try and help maintain this asset."

The fine resolution received the unanimous vote of the Board when it passed, so it's virtually certain that it will remain. Maybe we'll be able to appreciate it more a few years from now when we bring our wives and children back to see our alma mater. In any event, one would be well-advised to stay off the grass, because the Board has promised "strict enforcement."

--George Dietrich

Ed. Note--Such enforcement began at last Monday's Board meeting, when two law students were fined \$2.00 apiece for playing football on the lawn directly in front of "P" entry.

#### NATIONAL MOOT COURT COMPETITION

Moot Court competition hopes this year rest on a two-team tandem of five. Team one is composed of Richard Leukart and Peter Truebner; team two, Robert Sarow, James Kleinberg and Joel Strauss (Captain). Faculty advisor is Prof. Terrance Sandalow and team advisor is Timothy Wittlinger, a past participant presently practicing law in Detroit.

Regional round competition will be held in Detroit on Nov. 18-19. Past competing teams: Ohio State, Wayne State, Western Reserve, U. of Cincinnati, U. of Toledo, U. of Akron, Cleveland-Marshall, Detroit College of Law, U. of Detroit, Ohio Northern U. The two winning schools will send representatives to New York for the national rounds in December. In last year's regional competition, the Michigan team won best brief award. In 1961, the Michigan team represented the Detroit region in the nationals and reached the quarter-finals.

The problem to be argued: an eavesdropping statute--similar to that of the State of New York--authorizes a county court justice to issue an order for eavesdropping to police officers of certain rank and other officials (D.A. and Att'y Gen.), upon their oath that there is reasonable ground to believe evidence of a crime may be obtained. Having ample grounds for such belief, a D.A. obtains an order to eavesdrop in a business office where it is expected a County Commissioner intends to accept a bribe. The order is executed by means of implanting a microphone within the office. Motion is consequently made to suppress the incriminating evidence obtained by the eavesdrop (conversation of the bribe) on grounds of unconstitutionality of the statutory procedure or execution under it.

Practice oral arguments will be held early in November and students are invited to attend.

--Joel Strauss

#### U. S. SUPREME COURT BEGINS OCTOBER TERM

Important questions of criminal procedure, civil rights, libel and religion are among the issues that face the United States Supreme Court in its October Term.

In Stovall v. Denno, 355 F.2d 731, cert. granted, 34 U.S.L. Week 3429 (June 21, 1966), a New York prisoner will ask the Court to extend its Escobedo and Miranda rulings on self-incrimination to cover a situation in which petitioner was identified by a witness to a crime at the time he was attempting to obtain an attorney.

A test of a Virginia miscegenation statute is up for review in Loving v. Virginia, 206 Va. 924, appeal docketed, 35 U.S.L. Week 3059 (August 2, 1966).

Richard Perry Loving and his wife, Mildred, residents of Caroline County, were convicted in 1959 and sentenced to a year in jail for their inter-racial marriage which had taken place in Washington, D. C. the year before. The sentence was suspended on the condition that they leave the state, not to return for twenty-five years.

They based their appeal to the Virginia Supreme Court of Appeals on the contention that the Virginia miscegenation statute violates the Due Process and Equal Protection clauses of the U.S. Constitution.

James Hoffa's attempt to remain out of jail focuses attention on questions regarding the constitutionality of evidence-gathering techniques in Hoffa v. U.S., 349 F.2d 20 (6th Cir. 1965), cert. granted, 34 U.S. L. Week 3266 (February 1, 1966). Key evidence in Hoffa's jury-tampering trial was

supplied by a Teamster official who was a paid government informant. A similar case involves the conviction of a Boston man, Duke Lee Lewis, who allegedly sold contraband marijuana to a man who later proved to be a federal agent in Lewis v. U.S., 352 F.2d 799 (1st Cir. 1965), cert. granted, 34 U.S.L. Week 3266 (January 31, 1966).

The Court will be asked to examine a California Supreme Court decision striking down that state's famous "Proposition 14," a 1964 constitutional amendment repealing state fair-housing laws and banning new ones in Mulkey v. Reitman, 50 Cal. Rptr. 881, 413 P.2d 825 (1966), petition for cert. filed, 35 U.S.L. Week 3106 (October 4, 1966).

The Saturday Evening Post attempts to overturn a \$460,000 libel award to former University of Georgia athletic director Wallace Butts in Curtis Publishing Co. v. Butts, 351 F.2d 702 (5th Cir. 1965), petition for cert. filed, 35 U.S.L. Week 3001 (July 5, 1966). The Post will ask the Court to extend its definition of "public officials" to include "prominent persons" so that actual malice, not just mistake, must be proved, in order to sustain libel. The Associated Press will make a similar contention in its attempt for relief from a \$500,000 libel award to former Maj. Gen. Edwin A. Walker in Associated Press v. Walker, 393 S.W.2d 671 (Tex. Ct. Civ. App. 1965), petition for cert. filed, 35 U.S.L. Week 3003 (July 5, 1966).

Richard M. Nixon is scheduled to present oral argument on behalf of the James J. Hill family in their battle with Life Magazine. The Hills claim, Time, Inc. v. Hill, 207 N.E.2d 604 (1965), restored to calendar, 34 U.S.L. Week 3428 (June 21, 1966), that a magazine article violated the New York invasion of privacy statute.

Julian Bond will ask the Court to require the Georgia legislature to give him the seat he won by election but which was denied him on the basis of his political statements. Bond will claim that his constituents have been denied their rights of free political discussion, and that he has been denied the right of free speech. Bond v. Floyd, 251 F. Supp. 333 (N.D. Ga. 1966), prob. juris. noted, 34 U.S.L. Week 3428 (June 21, 1966).

The Seventh Circuit struck down a National Labor Relations Board ruling that a union could fine a defiant member who crosses a picket line in Allis Chalmers Mfg. Co. v. N.L.R.B., 358 F.2d 656 (7th Cir. 1966), petition for cert. filed, 35 U.S.L. Week 3004 (July 5, 1966). The NLRB and the United Auto Workers will contend that this ruling seriously undermines the foundations of union discipline and adversely affects union power.

In another case, a California artist will ask the Court to reverse the decision of the Iowa Supreme Court granting custody of his son to the boy's grandparents. The Iowa Court in Painter v. Bannister, 140 N.W.2d 152 (Iowa 1966), petition for cert. filed, 35 U.S.L. Week 3082 (September 13, 1966), decided that the boy's welfare required that he be raised by his "stable, dependable" grandparents in Iowa, rather than by his "bohemian" father.

#### PROF. CRAMTON AND HIGHWAY SAFETY

The effectiveness of traffic laws and their enforcement in solving the complex and costly problem of traffic accidents is vastly overrated, says Prof. Roger Cramton. In addition to his Law School faculty position, Cramton carries out research at the U-M Highway Safety Research Institute.

He notes that the heart of the present approach to traffic safety rests in the enforcement of laws dealing with driver licensing and traffic violations.

While in theory driver licensing could be used to select individuals who are likely to be good drivers, and denying the rest the opportunity to drive, "at this time there is neither the political nor scientific basis for such an approach."

"Politicians are unwilling to restrict in any major way the right to drive. So our licensing restrictions are minimal at best--they require corrected vision but little else of the driver."

Our main reliance--on the enforcement of traffic laws--does not fit reality, Cramton asserts. The theory is simple: unsafe driving behavior is made a criminal offense; violation leads to fines, imprisonment or loss of license. The assumption is that in order to avoid such consequences, individual drivers will avoid accident-producing behavior.

"Reality, however, is much more complicated and the deterrent effect of traffic laws may be seriously questioned," he says.

"Strict enforcement of speeding laws will not necessarily reduce accidents. Indeed, some studies suggest that many high-speed drivers are extremely safe drivers. During the four years of the celebrated speeding crack-down in Connecticut by then-governor Ribicoff, the frequency of auto accidents increased about 8% per year, substantially more than the national average," he adds.

Our behavior is affected more by what we think is safe under the circumstances than by what the law prohibits.

The credibility of traffic laws as a deterrent is also reduced by a related factor--the inevitable limitations on enforcement. A study of one section of a Michigan highway showed that about 3500 violations occurred for each one that was detected.

Prof. Cramton observes that "we all know of the frequency of traffic violations as compared with the relatively infrequent instances of enforcement. The calculus of probability favors the violator--especially if he keeps a warning eye out for the police car!"

The Auto Safety Act of 1966 establishes a mandatory system of regulations governing the design and construction of vehicles, with the aim of enabling more victims of crashes to survive.

"Further experience is required," Prof. Cramton states, "before conclusions can be reached on the general efficacy of this approach."

--Richard Sawdey

#### MICHIGAN BAR EXAMINATION

The next two opportunities to take the Michigan bar exam are in April and September, 1967. Inquiries should be directed to Mr. Donald F. Winters, State Board of Law Examiners, Box 88, Lansing, Michigan. (A free booklet entitled "Rules for Admission to the Bar" which gives requirements and study suggestions for all 50 states may be obtained by addressing a post card to West Publishing Co., St. Paul 2, Minnesota.)

Every applicant for the Michigan examination must file an application 40 days before the exam with the fee of \$40.00. He is required to file a fitness and good moral character questionnaire 90 days before the exam, present himself for a personal interview, and satisfy the Board that he has read and understood the canons of professional ethics.

The written exam will consist of 5 sessions, each of 3 hours, extending over 2 1/2 days. Applicants will be examined on the following subjects, nota bene:

Property, real and personal . . . . .	4 questions
Wills and trusts (including decedents' estates and future interests) . . . . .	4 questions
Contracts (including bailments, bills and notes, and sales) . . . . .	5 questions
Torts . . . . .	3 questions
Constitutional law . . . . .	5 questions
Criminal law . . . . .	3 questions
Business associations (including agency, partnership and private corporations) . . . . .	5 questions
Creditors' rights and security interests (including attachments, garnishment and mortgages on real and personal property) . . . . .	3 questions
Practice and procedure, trial and appellate, state and federal . . . . .	5 questions
Equity . . . . .	3 questions

--Chris Cohen

#### ANNOUNCEMENTS

As mentioned last week, the Institute for Continuing Legal Education, the American Society of International Law and the International Law Society will be cosponsoring a conference on "Economic and Legal Developments in the Changing Environment of the Atlantic Area," November 19, here at the Law School. A special, reduced student registration fee of \$5 has been

established. Payment of the fee will admit students to both panel sessions. (Members of the International Law Society as of October 15 will be admitted free of charge.) Within the next week a special registration table will be set up outside 100 Hutchins. Early registration is advised because it may become necessary to limit the number of student registrations.

The Quad goes on sale this week and next for \$4.00. This is a saving of one dollar since the book will be available at \$5.00 when it is distributed in April. Get 'em while they're cheap.

1967 is Michigan University's Sesquicentennial year. Along with the celebrations, conferences, and visitors comes a need for volunteers in organizing and executing these plans. An estimated 500 guides are needed to provide an escort service to all visitors, says the Sesquicentennial Escort Service.

Guides must have time to devote to several conferences staggered throughout the year, some proficiency in a foreign language, knowledge of the university, a presentable appearance, and pleasant personality. If you are interested, please make an appointment for an interview. You will be interviewed by the UAC Personnel Committee before final selection and then required to attend two or three training sessions at the beginning of 1967. Appointments for interviews can be made beginning Monday, October 10, in the Student Offices on the second floor of the Michigan Union.

#### WEEKENDER

It's Homecoming '66 this weekend--complete with the battle for the Little Brown Jug and the Beach Boys (the latter for those who care). But if you somehow do decide to make it to the cinema, the line-up reads like this:

The Michigan, beginning tomorrow, will have "The Blue Max," a World War I drama about the members of the Kaiser's Air Force and the lengths they go to in order to win the title's military award (that's in case you didn't know what a "blue max" was). George Peppard ("Breakfast at Tiffany's", "The Victors," "The Carpetbaggers"), veteran James Mason and Ursula Andress ("Dr. No," "She," "The Tenth Victim") all have feature roles but critics say the tremendous aerial fight scenes are the film's only redeeming feature.

The State will run "Alvarez Kelly," an above-average western drama about a group of Confederate soldiers who turn to cattle rustling when the war gets dull. William Holden, Richard Widmark, and Janice Rule head the cast in this one, but apparently without much success. Critical reaction: good story with miserable acting.

The Cinema Guild, tonight and tomorrow, will present "Subido al Cielo" (loosely translated, "The Mexican Busride"), a 1951 light drama in Spanish (with subtitles) directed by the renowned Luis Bunuel. On Saturday and Sunday, the CG will head across the Pyrenees to show "La Regle de Jeu" (The Rule of the Game), a 1939 study of European "society." The film, in French with subtitles), was directed by the equally competent Jean Renoir.

Finally, the Campus extends the fabulous "Morgan." with David Warner and Vanessa Redgrave.

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P.S.--If anyone can tell me by Sunday night what is scheduled for Cinema II for next weekend or how to find out, please call me at 663-8351 or contact any other RG staff member.

--Jay Witkin

#### SPORTS--Intramurals and Picks

The LAW CLUB FOOTBALL TEAM has moved into the championship game tentatively set for 9:00 pm tonight at Wines Field against the Draft Dodgers. Our team extended their undefeated and unscored-on record with two sound triumphs last week. We defeated Phi Alpha Delta 22-0 and Nu Sigma Nu (Medical) 18-0 in the semi-finals. Once again a smooth offense and unyielding defense spelled the difference. In four games we have outscored the opposition 76-0. Take a study break tonight and see a good game at Wines.

The tennis team is awaiting the results of other semi-final matches to see who they will face in the championship match this weekend.

Those interested in representing the Law Club in handball and bowling this fall should contact Jim Walter in J-13, 764-8936.

The GRID PERCENTAGE is now .666 (63 out of 95). It looks like a weekend of major upsets coming up. Here are four of them:

Colorado over Nebraska  
Michigan over Minnesota

Purdue over Michigan State  
Wartburg over Buena Vista

The rest of the games:

Cornell over Yale  
Dartmouth over Harvard  
UCLA over California  
Northwestern over Iowa  
Illinois over Stanford  
Ohio State over Wisconsin  
Tennessee over South Carolina  
Florida over LSU

USC over Clemson  
SMU over Texas Tech  
Notre Dame over Oklahoma  
Rutgers over Columbia  
Miami over Indiana  
Auburn over TCU  
Alabama over Vanderbilt  
Georgia over Kentucky

--Saul Schultz

Letter to the Editor:

Saul Schultz's usual high percentage of football picks took a well-deserved tumble when the sports editor was ruled by his heart instead of his mind last week and picked his alma mater, Walled Lake High School to beat Ann Arbor High.

Let it be known that as divine retribution, the gods this past weekend rained destruction on Walled Lake (wherever that is) to the tune of 27-13. Too bad, Saul, maybe next year or the year after or the year after...

Jeff Gaidos, Frank Willis, Chris Cohen,  
Mike Levin, Mark Sandstrom--Ann Arbor High, 1960

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